

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte : SURESH KUMAR

Application No. 09/531,703



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on April 19, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

**EXAMINER'S ANSWER**

On October 23, 2006, an Examiner's Answer was mailed. First, it is noted that under the heading Grounds of Rejection (page 3), the Examiner indicated that Claim 23 was rejected under 35 USC 102(e), when a corrected version of the Final Rejection mailed June 16, 2005, reflecting that a typographical error was made and Claim 33 was rejected rather than Claim 23. Correction of the record is required.

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A further review of the Examiner's Answer reveals that under the heading identified as Grounds of Rejection (page 4, ln. 3), Claims 2-5, 8, 9, 11-21, 22-32, 34-39 and 41-47 were rejected under 35 U.S.C. 103(a), but under the arguments section that follows (page 4, ln. 12), the Examiner presents arguments for rejected Claims 2-9, 11-21, 22-32, 34-39 and 41-47 under 35 U.S.C. 102(e). Clarification of the record is required.

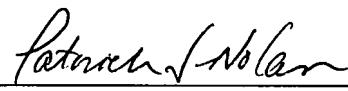
### **CONCLUSION**

Accordingly, it is

**ORDERED** that the application is returned to the examiner to:

- 1) vacate the Examiner's Answer dated October 23, 2006;
- 2) issue a new Examiner's Answer clearly setting forth all pertinent rejections; and
- 3) for any further action as deemed appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

  
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